IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6139 of 2004

Between:

Golla Venkata Ramulu S/o Ranganna
Nakka Vagulapalli (V) Dhone Mandal, Kurnool Dist

..... PETITIONER

AND

1 Principal Secretary, Home Department
TheGovt of AP Secretriat, Hyderabad
2 The Director General of Police
AP. Hyderabad
3 The Superintendent of Police
Kurnool Dist
4 The Station House Officer
Dhone .P.S.Kurnool Dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondent 3 and 4 in not investigating the henious murdered case in Crime No.19/2004 of P.S. Dhone leading to the death of petitioner's wife Smt. Madamma, minor daughter parameswari and neighbour Balija Nagamma as illegal, and arbitrary and consequently direct the respondents 1 and 2 to entrust the investigation to the CBCID to enquire into the Circumstances leading to the death of petitioner's wife , minor daughter and neighour in the interest of justice.

Counsel for the Petitioner: MR.J.JANAKIRAMI REDDY

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following Order:

The petitioner seeks a declaration that the action of respondents 3 and 4 in not proceeding with the investigation in Crime No.19 of 2004 on the file of Police Station, Dhone, as arbitrary and illegal. He also seeks a consequential direction to respondents 1 and 2 to entrust the investigation to the C.B.C.I.D to enquire into the circumstances leading to the offence alleged.

On behalf of the third respondent, a counter-affidavit has been filed on 13-08-2004. In the said counter-affidavit, the Superintendent of Police, Kurnool District stated that during the course of investigation in Crime No.19 of 2004, four persons were examined and their statements were recorded on 07-07-2004 and that the accused were arrested on 12-07-2004, who have confessed the commission of offence and they were produced before the Judicial Magistrate of First Class, Dhone on 12-07-2004 along with remand report and they were remanded to the judicial custody by the learned Magistrate. It is also stated that thereafter, the investigation was completed and charge-sheet was also filed on 31-07-2004 and the same is taken up on the file of the Judicial Magiastrate of First Class, Dhone as P.R.C.No.42 of 2004 and the same is pending.

In the light of the averments of the counter-affidavit stating that the investigation has already been completed, nothing remains for adjudication in this writ petition.

Accordingly, the writ petition is disposed of. No costs.

07-10-2004

kdl

To

1 Principal Secretary, Home Department
TheGovt of AP Secretriat, Hyderabad
2 The Director General of Police
AP. Hyderabad
3 The Superintendent of Police
Kurnool Dist
4 The Station House Officer
Dhone .P.S.Kurnool Dist

5 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad, (OUT).

6 Two C.D. copies.